

REMARKS

Applicant hereby requests further consideration of the application in view of the amendments above and the comments that follow.

Status of the Claims

Claims 51-53 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species. Claims 46-50 and 53-62 stand rejected under Section 112. Claims 46-50 and 54-62 stand rejected under Section 103(a) as being unpatentable over U.S. Patent No. 6,514,115 to Harich (Harich) in view of U.S. Patent No. 3,918,758 to Fournier (Fournier) and U.S. Patent Publication No. 2004/0182968 to Gentry (Gentry).

Objections to the Drawings

Figure 1 has been amended to show a harness **1B**.

The “releasable holding device” as recited in the claims is intended to refer to the overall clamp assembly, such as the entire assembly or unit as shown in **Figure 11**. The “releasable holding device” thus includes each of the clamp (*e.g.*, the opposed jaws **11** and **14'** of **Figure 11**), the pivot arm (*e.g.*, the pivot arm **13A** of **Figure 11**), and the biasing member (*e.g.*, the spring **8''** of **Figure 11**). Because these elements are all shown at least in **Figure 11**, Applicant respectfully submits that no amendment to the drawings is needed.

The Rejections under Section 112

Applicant sincerely appreciates the Examiner’s close review of the application and efforts to understand the operation of the invention. The present application is based upon a translation of an original French patent application and Applicant has attempted to use language in the claims that more readily describes or reflects the components and features. Applicant provides below a copy of **Figure 11** labeled with the terminology of the claims for the Examiner’s reference.

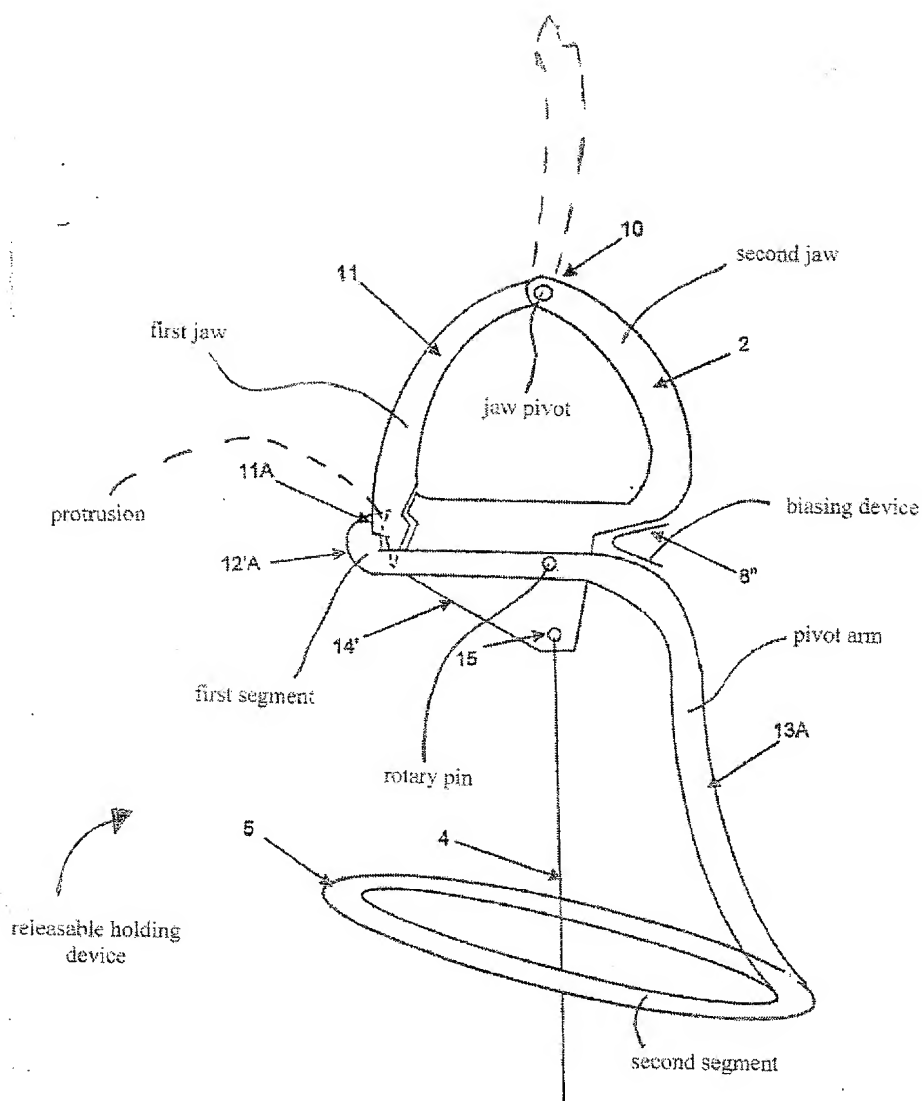


FIG. 11

Regarding Claims 46-61, the exemplary releasable holding device of **Figure 11** includes a clamp comprising a first jaw and second jaw. The first and second jaws are connected at a jaw pivot to permit the first jaw to pivot between a closed position (as shown in solid lines in the drawing above) and an open position (as shown in dashed lines in the drawing above).

The pivot arm is additional to the clamp (*i.e.*, additional to the first and second jaws). The pivot arm is shown in its locking position. In this position, the protrusion of the first segment of the pivot arm interlocks with the free end of the first jaw to hold the first jaw in its closed position.

When it is desired to release the traction line from the device, the second segment is pushed or pulled to pivot the first segment of the pivot arm out of interlocking engagement with the first jaw, thereby releasing the first jaw to pivot into its open (dashed lines) position. Typically, the transition of the first jaw member from the closed position to the open position will be facilitated by the traction line under tension, which tends to pull the first jaw open.

The biasing device (*e.g.*, leaf spring) holds the first segment in the locking position until the biasing device is defeated by force on the second segment.

While **Figure 1** depicts an arrangement wherein the second segment is acted on by the bar (6), it is also contemplated that the second segment may be manually pushed or pulled (directly or via a pull cord, for example). Also, the releasable holding device may be inverted so that the clamp (*i.e.*, the first and second jaws) releasably captures the harness or the like instead of the traction line.

Regarding Claim 62, the “releasably holding means” may include, for example, the first and second jaws of **Figure 11** above (which may correspond to the recited articulation means). The recited “pivoting arm” is thus a different component of the device than the releasable holding means.

Claim 48 has been amended to address the rejection under Section 112, second paragraph.

Regarding Claim 57, antecedent basis for “the releasable holding device” is provided in line 9 of Claim 46.

In the event the Examiner does not believe the rejections under Section 112 have been overcome or would like any further explanation of the components or operation of the invention, the Examiner is respectfully invited to contact the undersigned at the Examiner’s convenience by telephone to discuss.

The Rejections under Section 103

Claim 46 as amended recites:

46. A kite surfing apparatus for use by a user, the apparatus comprising:
a kite or paragliding type wing;
a traction line extending from the kite or paragliding type wing to connect the kite or paragliding type wing to the user or to a mobile support on which the user is riding; and
a release system connected to the traction line and configured and positioned to be interposed between the user or the mobile support and the traction line, the release system including a releasable holding device including:
a clamp movable between an open position and a closed position;
a pivot arm connected to the clamp to pivot about a pivot axis, the pivot arm including first and second arm segments located on opposed sides of the pivot axis, wherein:
the pivot arm is pivotable relative to the clamp about the pivot axis between a locking position, wherein the first arm segment holds the clamp in the closed position, and a releasing position, wherein the first arm segment permits the clamp to open; and
the pivot arm can be pivoted from the locking position to the releasing position by applying a load to the second arm segment and thereby causing the pivot arm to pivot about the pivot axis; and
a biasing device operative to hold the pivoting arm in the locking position;
wherein, upon releasing the clamp using the pivot arm with the traction line under tension from the kite or paragliding type wing, the clamp will move to the open position to enable release of the traction line under tension from the user or mobile support.

Claim 46 as examined stands rejected under Section 103 over Harich in view of Fournier. The Action acknowledges that Harich does not disclose or suggest a releasable holding device as claimed. However, the Office Action contends:

Harich is silent on the claimed release device which is taught by Fournier. Fournier discloses a release device having a releasable holding means including articulation means forming a clamp/snaphook 10. See column 2, line 29 and 30. Plus, the elastic means 60 holds the articulation means to a closed position. The pivot arm 42 is connected to the clamp 10 and is pivotable around the pivot axis/rotary pin 32. The pivot arm is pivoted with parts 66 to overcome the spring 60 so that when the traction line is attached to the clamp, the traction line can be released when the clamp is in an open position. The first and second arm segment is shown below in the attached figure. The lug is numbered 34 to cause the angular pivoting movement of the pivoting arm so as to release the traction lines. The locking position is shown in figure 1. The release position is shown in figure 3. Plus, Gentry teaches that a line release system that is between the traction line and the user is well known.

Applicant respectfully submits that the rejection under Section 103 of Claim 46 should be withdrawn for at least the following reasons.

Fournier does not teach or suggest the elements, features or functions for which it is relied upon in support of the rejection under Section 103. In Fournier, the lever portion 42 does not hold the clamp (which consists of the plates 12 forming a hook 22 and the keeper finger 40) in the closed position (**Figure 1**) and assume a releasing position to permit the clamp to open. Operation of the lever portion 42 does not release the clamp 12, 40 to open. To the contrary, the lever portion 42 is effectively a part of the clamp 12, 40 or an extension of the keeper finger 40. The lever portion 42 is only a "release" lever in the sense that it can be used to release the load ring 28, not in the sense that it may be used to release the clamp (*i.e.*, the keeper finger 40 or the hook portion of the plates 12).

Moreover, the clamp 12, 40 of Fournier will not move to the open position (**Figure 3**) "upon releasing" the clamp 12, 40 using the lever portion 42 with the load ring 28 under tension to release the load ring 28 as recited in the last paragraph of Claim 46. First, as discussed above, the finger member 40 is not released by the lever portion 42, but rather is directly opened by moving the lever portion 40. Second, the clamp 12, 40 will not enable release of the load ring 28 under tension even when in its open position. Rather, the clamp 12, 40 of Fournier requires that

the load ring **28** be unweighted to permit the load ring to be lifted up and over the plates **12** and out of the hook opening **22** (*See, e.g.*, Fournier at col. 3, lines 53-57).

Additionally, it would not have been obvious to the ordinarily skilled artisan to have modified the apparatus of Harich to incorporate the snap hook of Fournier as suggested. Applicant first notes that there is no suggestion in either Fournier or Harich that would have led the ordinarily skilled artisan to make such a modification. Fournier is directed to a snap hook for cargo handling and lifting. *See, e.g.*, Fournier at col. 2, lines 42-44 and 54-58, and col. 4, lines 18-25. Harich, on the other hand, is directed to sporting or recreational equipment, namely, a line system for a kitesurfing kite. One of ordinary skill in the kitesurfing art would not have looked to a reference such as Fournier in the design of a kitesurfing apparatus.

Second, the snap hook of Fournier would not be effective, safe or appropriate for use as an emergency release mechanism in the apparatus of Harich. As discussed above, Fournier is not adapted to release the load ring **28** or a traction line under tension. For example, at col. 3, lines 53-57, Fournier discloses:

When it is desired to remove the load ring **28** from the hook opening **22** the hook will be lowered by its supporting chain **20** until the load rests upon a supporting surface and the load weight is removed from the load ring.

In practice, this would make the Fournier device unusable when needed as an emergency release device. Emergency release is needed when a kitesurfer no longer wants to be subjected to the traction force of the deployed, wind-filled kite. If an emergency release cannot be readily and reliably executed, the kitesurfer may be dragged by the kite to great harm. Almost always, the need for emergency release will occur when the traction line is under tension from the traction force of the kite. If, *arguendo*, the snap hook of Fournier were used as an emergency release device in a kitesurfing system, the force from the kitesurfer required to push the traction line out of the hook socket **22** against the great tension load on the traction line would be substantial and ostensibly far greater than could be mustered by the kitesurfer, particularly under emergency

conditions (*e.g.*, the kitesurfer is fatigued, injured, disoriented or being dragged into rocks). Thus, the Fournier snap hook would be unusable when needed most.

Thirdly, Applicant's invention as claimed addresses a long-felt, unmet need that, to Applicant's knowledge, has not been adequately addressed notwithstanding the disclosure of Fournier. While kitesurfing itself is a relatively new sport, the problem addressed by Applicant's invention is of sufficient import that it may be expected that those of ordinary skill in the art would have searched diligently for a solution. Their failure to anticipate the present invention thus demonstrates the nonobviousness of Applicant's invention.

Accordingly, Applicant submits that Claim 46 is patentably over the cited art for at least the reasons discussed above. Claims 47-50 and 54-60 (as well as withdrawn Claims 51-53) depend from Claim 46 and are therefore allowable as well for at least these reasons.

Claim 48 (dependent from Claim 46) as amended is independently patentable and further recites:

48. The apparatus of Claim 47 wherein the snap hook includes a jaw, and at least one of the jaw and the first arm segment includes a protrusion configured to engage and interlock with a mating feature of the other of the jaw and the first arm segment to hold the clamp in the closed position.

In support of the rejection of Claim 48, the Action states:

RE claim 48, the jaw is numbered 12. The first arm segment has a protrusion that engages and interlock with mating feature 54. See figure 1 of Fournier.

However, in contrast to the claimed invention, the lead section of the lever portion **42** of Fournier does not interlock with the spacing rivet **54**. In any case, the engagement between the lead section of the lever portion **42** and the spacing rivet **54** does not "hold the clamp in the closed position" as recited in Claim 48 as amended.

Claim 61 recites a release system including a releasable holding device as recited in Claim 46 as amended. Applicant respectfully submits that Claim 61 is patentable over the cited art for the reasons discussed above with regard to Claim 46.

Claim 62 has been amended to recite:

62. A release device for kitesurf making it possible to unhook the traction lines of a kite or paragliding type wing attached by the release device to a user on the ground or to a mobile support, the release device comprising:
releasable holding means including articulation means forming a clamp or snap-hook;
elastic means capable of holding the articulation means in a closed position; and
at least one pivoting arm connected to the releasable holding means and having a first free end and a second end interlocked with the articulation means to releasably hold the articulation means in the closed position, the first free end including a lug capable of causing an angular pivoting movement of the pivoting arm so as to release the articulation means from the second end of the pivoting arm to thereby enable the release of the traction lines arranged beyond the releasable holding means, and consequently of entirely releasing the user.

As discussed above with regard to Claim 48, in the snap hook of Fournier, the lead section of the lever portion **42** does not interlock with the spacer rivet **54** or any other part of the jaw **12**, and does not hold the jaw **12** or the finger member **40** in a closed position. Accordingly, Claim 62 is also patentable over the cited art.

In re: Roger
Serial No.: 10/569,314
Filed: April 17, 2006
Page 17 of 17

CONCLUSION

Applicant respectfully submits that this application is now in condition for substantive examination, which action is requested. Should the Examiner have any matters outstanding of resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,

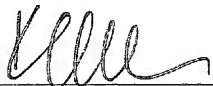


David D. Beatty
Registration No. 38,071
Attorney for Applicant

USPTO Customer No. 20792
Myers Bigel Sibley & Sajovec, P.A.
Post Office Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on December 29, 2009.

Signature: 
Typed or Printed Name of Person Signing Certificate: Katie Wu